



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,516	10/24/2003	Tsuyoshi Moriyama	03560.003375.	7417
5514 7590 08/13/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER WONG, JOSEPH S	
			ART UNIT 2852	PAPER NUMBER
			MAIL DATE 08/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,516

Applicant(s)

MORIYAMA ET AL.

Examiner

Joseph S. Wong

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/23/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to amendment filed June 11, 2007.

Information Disclosure Statement

Document numbers 63-43169 and 1-261668 have been received, and thus have been considered as indicated on an attached additional copy of IDS filed 3/23/04. The examiner appreciates the applicant's cooperation in this matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinohara (US 6122461).

With respect to claim 1, Shinohara discloses an image formation apparatus for forming images based on input image data, comprising: an automatic adjustment portion adapted to perform automatic adjustment of said image formation apparatus (figs. 5 & 6; col. 8, lines 45-55); a job queuing portion adapted to queue image formation jobs (col. 10, lines 40-45, "next print job"); a counting portion adapted to count the number of image formations executed after a last automatic adjustment (fig. 6, item S402, S409); a determining portion adapted to determine whether or not the number of image formations at which said automatic adjustment is to be performed by said

Art Unit: 2852

automatic adjustment portion will be reached during execution of said image formation job queued by said job queuing portion, based on the number of image formations counted by said counting portion and said image formation job queued by said job queuing portion (col. 10, lines 40-50); and a control portion adapted to control said automatic adjustment portion to perform the automatic adjustment based on the result of the determination by said determining portion, wherein, in the event that said determining unit determines that the number of image formations at which said automatic adjustment is to be performed by said automatic adjustment portion will be reached during execution of said image formation job queued by said job queuing portion, said control portion controls said automatic adjustment before starting execution of said image formation job queued by said job queuing portion even though the number of image formations counted by said counting portion has not reached the number at which said automatic adjustment is to be performed by said automatic adjustment portion (col. 10, lines 40-50).

With respect to claim 2, Shinohara further discloses wherein said determining portion determines whether or not the number of image formations at which said automatic adjustment is to be performed by said automatic adjustment portion will be reached during execution of said image formation job queued by said job queuing portion, by determining whether or not the sum of the number of image formations counted by said counting portion and the number of image formations of the image formation job queued by said job queuing portion is greater than the number of image formations at which said automatic adjustment is to be performed (col. 10, lines 40-50).

With respect to claim 3, Shinohara further discloses wherein said automatic adjustment to be performed by said automatic adjustment portion includes density adjustment (col. 8, lines 40-45), which forms an image for density detection and determines density of said image for density detection (as described at least in col. 8, lines 1-40)

With respect to claim 28, Shinohara further discloses wherein said automatic adjustment portion performs multiple items of automatic adjustment and said counting portion counts the number of image formations with respect to each of the multiple items of automatic adjustment (as described at least in col. 10, lines 36-40 where after automatic adjustment occurs, the count is cleared as shown at least in fig. 6, item S409. This automatic adjustment and counting occurs multiple times as it occurs for each "next print job").

Response to Arguments

Applicant's arguments filed 6/11/07 have been fully considered but they are not persuasive. Applicant asserts that "Shinohara does not teach or suggest taking into consideration all of the print jobs in the queue, and performing automatic adjustment prior to the queue." The examiner respectfully disagrees. A queue is a general term which is commonly used to describe print jobs waiting to be executed. Shinohara discloses at least in col. 10, lines 26-50 performing automatic adjustment prior to "the next print job" (as further discussed below). It is understood that "the next print job" is a print job which is yet to be executed, and is thus queued. It is also understood that each print job in the queue will at some point become "the next print job" to be

executed, thus it can be appreciated "all of the print jobs in the queue" will be taken into consideration.

Applicant further asserts that "there is no relationship between when the control command is issued and the number of image formations." The examiner respectfully disagrees. As described at least in col. 30, lines 34-50 if the print number of "the next print job" is large enough so that a regularly scheduled adjustment (i.e. N2) would be executed during "the next print job", the print engine can execute a "density control command" before the print number N reaches N1 so that *an image density change large enough to be visually noted can be prevented in one job, and the print job currently in progress is not interrupted*. In other words the print controller is given flexibility as to when it issues a "density control command" in order to prevent the interruption of both present and future print jobs.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Remarks

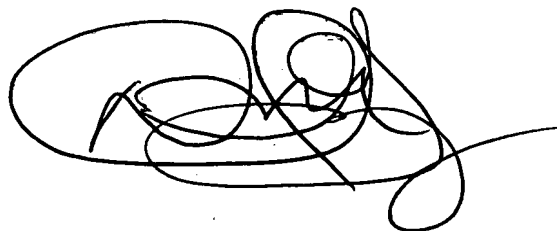
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Wong whose telephone number is (571)272-8457. The examiner can normally be reached on Monday - Friday 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSW

Joseph Wong
Patent Examiner
Art Unit 2852
8/7/07

A handwritten signature in black ink, appearing to read 'DAVID M. GRAY', with a large, loopy flourish extending from the end.

DAVID M. GRAY
SUPERVISORY PATENT EXAMINER